IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1038 OF 2006
IN
FIRST APPEAL NO.355 OF 2006

The New India Assurance Co.Ltd. ...Applicant
Vs.
Vidhya Vinayak Joshi & Ors. ...Respondents

Shri S.M. Vidyarathi for the Applicant.
Shri K.K. Tated for the Respondent Nos.1 to 3.

CORAM : A. S. OKA, J.
DATE : JULY 24, 2006.

P.C.:

1. Heard the learned Advocate appearing for the Applicant and Shri Tated appearing for the Respondent Nos.1 to 3. Service of rule on other Respondents is not necessary for considering this Application. The entire amount due and payable under the impugned award has been deposited by the Applicant with the Tribunal.

2. Considering the controversy involved in the First Appeal, Civil Application is disposed of by passing following order:

(i) The Respondent Nos.1 to 3 will be entitled to withdraw 50% of the amount deposited by the Applicant without furnishing security. The said Respondents will be entitled to withdraw

remaining 50% of the amount on furnishing adequate security to the satisfaction of the Tribunal.

(ii) The sum of Rs.25,000/- deposited by the Appellant in compliance with section 173 of the Motor Vehicles Act, 1988 be transferred to the concerned Tribunal.

(iii) No order as to costs.

JUDGE